UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.73
7 April 1999

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Mongolia

1. The Committee considered the eleventh to fifteenth periodic reports of Mongolia (CERD/C/338/Add.3) at its 1327th and 1328th meetings (CERD/C/SR.1327 and 1328), held on 16 and 17 March 1999. At its 1332nd meeting (CERD/C/SR.1332), held on 19 March 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the Government of Mongolia in one document and the introductory presentation made by the delegation, as well as the opportunity thus offered to recommence its dialogue with the State party. The Committee notes with satisfaction that the report followed the guidelines. Nevertheless, the Committee is of the view that the information in the report was too succinct and that the report did not include information on specific legal provisions or examples of the actual implementation of the Convention.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party is in a period of economical and political transition, and that the difficulties of this transition have a great impact on the population.

C. Positive aspects

4. The Committee expresses its satisfaction at the statement by the State party's delegation that the international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, to which the State party has acceded, have become an integral part of its domestic legislation.

5. The Committee welcomes the enactment of the State party's Constitution (1992), which has included the prohibition of racial discrimination. The enactment of the Law of Mongolia on the Legal Status of Foreign Citizens (1993), which establishes equality between foreigners and Mongolian citizens in the exercise of their rights and freedoms, is also welcomed by the Committee.

6. The Committee welcomes the efforts of the State party to revise its domestic legislation in accordance with its new Constitution (1992). It also notes with satisfaction that the provisions of international instruments on human rights to which Mongolia is a party are duly taken into consideration in the process of legislative reform.

7. The Committee welcomes the information contained in the report concerning the Law on Education (1995), which prohibits racial discrimination in the field of education. Educational measures which provide for the inclusion in the school curricula of the teaching of human rights, including the need to combat and condemn racial discrimination, are also welcomed by the Committee.

8. The Committee also expresses satisfaction at the efforts undertaken by the State party to raise awareness of and promote action against all forms of racial discrimination.

9. The Committee welcomes the State Policy on Culture (1996), adopted by the State Great Hural of Mongolia, which provides means to ensure the preservation, respect, enrichment and development of the heritage, culture and traditions of ethnic groups.

10. The Committee notes with appreciation the State party's implementation of international cooperation programmes in the field of human rights education, in cooperation with the Office of the United Nations High Commissioner for Human Rights.

D. Principal subjects of concern

11. While the Committee notes with appreciation the State party's efforts in the field of legislative reform, it remains concerned about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin.

12. Although the Committee notes that the State party's report includes information on the demographic composition of Mongolia, it regrets the lack of information on the socio-economic situation of the different ethnic minority groups living in the State party.

13. The Committee notes that the State party's Criminal Code (art. 7) largely reflects the provision contained in article 4 (a) of the Convention. However, it remains concerned that the provisions of article 4 (b) and (c) of the Convention are not included in the Criminal Code.

14. Although the Committee notes that the State party's Constitution (1992) and the Law on the Legal Status of Foreign Citizens (1993) guarantee the rights enshrined in article 5 of the Convention, it expresses its concern at the absence of specific legislation to prohibit racial discrimination in the enjoyment of such rights.

15. While the Committee notes that article 19 of the State party's Constitution (1992) establishes the State's obligation to provide remedies in cases of human rights violations, it expresses its concern at the lack of specific legislation for the provision of compensation, as enshrined in article 6 of the Convention.

E. Suggestions and recommendations

16. The State party should give serious consideration to the enactment of a comprehensive law on ethnic minorities and combat discrimination based on race, colour, descent, or national or ethnic origin. The Committee recommends that the State party continue providing training programmes for law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee.

17. The Committee encourages the State party to continue exploring ways of providing specific protection to all ethnic groups living in its territory. The Committee further recommends that the State party include in its next report statistical data on the socio-economic situation of the different ethnic minority groups.

18. The Committee recommends that the State party take the necessary steps to comply fully with the provisions of article 4 of the Convention. In order to be able to evaluate the implementation of article 4 of the Convention, the Committee also recommends that the State party include in its next report the relevant articles of the Criminal Code.

19. The Committee recommends that the State party review its civil and penal legislation in order to bring it into full conformity with the principles and provisions of the Convention, in particular articles 5 and 6 of the Convention.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

21. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention. Some members of the Committee requested that the State party consider the possibility of making such a declaration.

22. The Committee recommends that the State party's next periodic report, due on 20 April 2000, be an updating report, and take into account all the suggestions and recommendations contained in the present concluding observations.

23. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public.